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20 **UNITED STATES DISTRICT COURT**  
21 **DISTRICT OF NEVADA**

22 U.S. EQUAL EMPLOYMENT  
23 OPPORTUNITY COMMISSION,

24 Plaintiff,

25 vs.

26 MATTRESS FIRM, INC. ; and DOES  
27 1-15, INCLUSIVE

28 Defendants.

} Case No.: 2:13-cv-01745 GMN-VCF

} **PLAINTIFF EEOC'S EX- PARTE**  
} **MOTION TO LIFT STAY, AND**  
} ~~**[PROPOSED]**~~ **ORDER**

} The Honorable Cam Ferenbach  
} United States District Court

1 TO THE CLERK OF COURT:

2 PLEASE TAKE NOTICE THAT: Plaintiff Equal Employment Opportunity Commission  
3 (“EEOC”) moves this Court to lift the stay of these proceedings.

4 On September 30, 2013, funding for the federal government lapsed. As a result of this  
5 lapse in funding, Plaintiff Equal Employment Opportunity Commission (“EEOC”) moved the  
6 court to stay these proceeding as counsel for the EEOC was prohibited from working on this  
7 matter during the federal government shutdown.

8 On October 1, 2013, the Court granted a thirty day stay and ordered that Plaintiff file a  
9 motion to lift the stay if the government shutdown ended prior to October 31, 2013 (Docket No.  
10 6).

11 On October 17, 2013, funding for the federal government was restored and Plaintiff  
12 EEOC resumed operations. Plaintiff EEOC is unaware of any deadlines that have passed or  
13 dates which have been affected by the stay.

14 District courts possess “the inherent procedural power to reconsider, rescind, or modify  
15 an interlocutory order” when it finds sufficient cause to do so. *See City of Los Angeles, Harbor*  
16 *Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir. 2001). “The same court that  
17 imposes a stay of litigation has the inherent power and discretion to lift the stay.” *Canady v. Erbe*  
18 *Elektromedizin GmbH*, 271 F.Supp.2d 64, 74 (D.D.C.2002). “When circumstances have  
19 changed such that the court's reasons for imposing the stay no longer exist or are inappropriate,  
20 the court may lift the stay.” *Id.* Here, the Court granted the stay as counsel for the EEOC was  
21 prohibited from working on this matter during the lapse in government funding. As funding has  
22 now been restored, Plaintiff EEOC respectfully requests that the Court lift the stay in these  
23 proceedings.

24  
25 Dated: October 1, 2013

Respectfully submitted,

26 s/ Elizabeth A. Naccarato

Elizabeth A. Naccarato

27 Trial Attorney

28 U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

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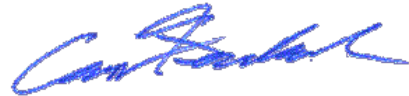
**ORDER**

**FOR GOOD CAUSE SHOWING, EEOC's MOTION IS GRANTED. THIS COURT  
HEREBY ORDERS THAT**

The Court's stay, issued on October 1, 2013 (Docket No. 6) is lifted.

IT IS SO ORDERED.

Dated: 10-22-2013



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Hon. Cam Ferenbach  
U.S. Magistrate Judge

1  
2 **CERTIFICATE OF SERVICE VIA ELECTRONIC FILING SYSTEM**

3 I am, and was at the time the herein mentioned mailing took place, a citizen  
4 of the United States, over the age of eighteen (18) years and not a party to the  
5 above-entitled cause.

6 I am employed in the Legal Unit of the Las Vegas Local Office of the  
7 United States Equal Employment Opportunity Commission.

8 My business address is Equal Employment Opportunity Commission, Los  
9 Angeles District Office, 333 Las Vegas Boulevard South, Suite 8112, Las Vegas,  
10 Nevada 89101.

11 On the date that this declaration was executed, as shown below, I served the  
12 foregoing **PLAINTIFF EEOC'S EX- PARTE MOTION TO LIFT STAY**  
13 **AND [PROPOSED] ORDER** via the Case Management/Electronic Case Filing  
14 (CM/ECF) system at Las Vegas, Clark County, Nevada.

15 I declare under penalty of perjury that the foregoing is true and correct.

16  
17 Executed on October 21, 2013, at Las Vegas, Nevada, Clark County.  
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21 /s/ Elizabeth A. Naccarato  
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